SANJIV

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2526 OF 2006

. . . . . .

Office notes, office Memoranda :
of Coram, appearances, Courts; :
orders or directions & :
Registrars's orders. :

. . . . . .

Mr. Hakim Salim A. R. for petitioners.

Mr. Mulla for respondent 2 and 3.

Ms. R. M. Gadhvi, APP for the State.

CORAM :- SMT. RANJANA DESAI, J.

DATE :- 18TH DECEMBER, 2006.

P. C.:-

1. Heard Mr. Hakim Salim the learned counsel for petitioners and Mr. Mulla, learned counsel for respondent 2 & 3 and the learned

APP. In this petition, petitioners have prayed that the complaint in C. R. No. 452/1997 filed at Vakola police Station which is now pending before the Metropolitan Magistrate's 32nd Court at Bandra vide Case No. 2239/PW/2005 be quashed.

2. The learned counsel for the petitioners stated that the parties have amicably settled the dispute and hence in the light of judgment of the ***Supreme Court in B. S. Joshi & Ors. Vs. State of Harayana & Ors. (2003)4 Supreme Court Cases 675,*** the pending proceedings where the petitioners were charged under Section 498-A r/w Section 34 of the Indian Penal Code be quashed. All the petitioners are present in the

Court. Respondent 2 and 3 are also present. Respondent 3 wife of petitioner 1 has stated that the dispute has been amicably settled and she has no grievance against petitioner 1. Affidavit has been filed by the original complainant in this regard, respondent 2 stating that the parties have settled the differences and he has no objection if the entire proceedings of Case No. 2239/PW/2005 are quashed.

3. Hence in view of the fact that dispute is settled and in view of the judgment of the Supreme Court, in ***B. S. Joshi' scase (supra)*** the proceedings pending on the file of Metropolitan Magistrate's 32nd Court at Bandra vide Case No.

2239/PW/2005 are quashed.

Petition is disposed of.

(**SMT. RANJANA DESAI, J.**)